

**Waiver of Disqualification Letter - CIVIL CASES**

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To: Katie Hord Simon, Clerk of the Court  
United States District Court  
for the Western District of North Carolina  
401 W. Trade Street  
Charlotte, NC 28202

Date: 11/4/2024

Re: 2311 Racing LLC, et al. v. National Association for Stock Car Auto Racing, LLC, Case  
No. 3:24-cv-00886-FDW-SCR

Dear Ms. Simon:

We have consulted with our clients, National Association for Stock Car Auto Racing (“NASCAR”) and James France, all of the clients that we represent in the above-styled and numbered cause, concerning the Clerk’s Notice that Judge Whitney intends to disqualify himself from this case because his impartiality might reasonably be questioned because one of the counsel for Defendants is Judge Whitney’s former career clerk. Our clients and we hereby waive this disqualification. We are willing to proceed with Judge Whitney presiding. Indeed, Ms. Magee

has signed every pleading in this case since Defendants appeared on October 8, 2024. In the event that opposing counsel is unwilling to consent, Ms. Magee is willing to recuse herself from this matter and substitute another member of her firm to serve as local counsel.

Pursuant to Canon 3D of the Code of Conduct, we are submitting this letter to the clerk's office, but we are not copying Judge Whitney, nor are we copying the other counsel of record or the other parties.

Yours truly,  
/s/ Christopher S. Yates  
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Attorney of Record, on behalf of:

**NASCAR**

**James France**